



CITY of CYPRESS

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May 8, 2009

Mr. Gerard J. Thibeault
Executive Director
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

Subject: Comments from the City Relative to the Tentative Order
No. R8-2008-0030 (Draft 4th Term NPDES/Stormwater Permit)

Dear Mr. Thibeault:

We wish to comment on the recent draft of the NPDES permit that was discussed at the public workshop held on April 24, 2009. The City of Cypress is concerned with the last minute submittal by the United States Environmental Protection Agency and their recommended language modifications to Section XII.C of the draft permit. We are particularly concerned with the impact of the revised language on new development and redevelopment projects.

As you are aware, the language contained in the permit prior to the public workshop was a result of the ongoing discussions between the Regional Board staff and the Orange County Stakeholder group. The City has been in support of the actions taken by the group and even participated in the discussions. It is disturbing for the co-permittees to have assumed that the permit language would remain as was presented in the third draft, only to have the Regional Board provide for the last minute modifications without consulting with the other parties involved. This action contradicts the cooperative approach that was demonstrated during the drafting of the new permit. Additionally, there are other items in the permit that may have been conceded in exchange for the language developed. This does not lead to a cooperative development of the permit.

The City believes that consideration should be given to leaving the language contained in this section of the permit in the format as originally presented in the third draft. If it is the assumption that a development that cannot infiltrate 85 percent of a storm event under a LID program be subject to other non-LID requirements, we strongly disagree with the concept. The imposition of the other requirements could have serious economic impacts on cities and could potentially halt or significantly slow down development. It is understood that the application of the low impact development principles to construction projects can vary based on many pre-existing factors. This is one of the primary reasons why an evaluation period was included to measure what would work best in the northern Orange County region.

Doug Bailey, Mayor

Prakash Narain, M.D., Mayor Pro Tem
Leroy Mills, Council Member

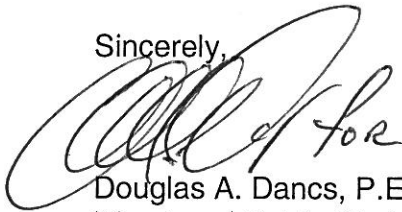
Phil Luebben, Council Member
Todd W. Seymore, Council Member

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As the Regional Board prepares to adopt the permit at the May 22, 2009, public hearing in Loma Linda, the City asks that the Regional Board staff should consider adopting the permit, as was originally agreed upon by the Orange County Stakeholder group.

We also ask for consideration of subsequent comments made by the County of Orange, as the Principal Permittee, on behalf of the cities, and concur with their findings and recommendations. Thank you for your consideration. If you have any questions, please do not hesitate to contact me direct at (714) 229-6740.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Dancs', written over the word 'Sincerely,'.

Douglas A. Dancs, P.E.
Director of Public Works/City Engineer

cc: City Manager
Mark Smythe, Senior Environmental Scientist, SARWQCB